

RENZ D. JENNINGS
CHAIRMAN

MARCIA WEEKS
COMMISSIONER

ARL J. KUNASEK
COMMISSIONER



0000000195

ARIZONA CORPORATION COMMISSION

DATE: AUGUST 4, 1995

DOCKET NO: U-1345-95-246

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer SCOTT S. WAKEFIELD. The recommendation has been filed in the form of an Opinion and Order on:

SOUTHWEST V-DUBS vs. ARIZONA PUBLIC SERVICE CO. (COMPLAINT)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 5:00 p.m. on or before:

AUGUST 14, 1995

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

AUGUST 29, 1995 and AUGUST 30, 1995

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

A handwritten signature in cursive script that reads "James Matthews".
James Matthews
EXECUTIVE SECRETARY

JM
Enc.
cc: ALL PARTIES

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SOUTHWEST V-DUBS,
Complainant,
vs.
ARIZONA PUBLIC SERVICE COMPANY,
Respondent.

DECISION NO. _____

DATE OF HEARING: July 26, 1995

PLACE OF HEARING: Phoenix, Arizona

PRESIDING OFFICER: Scott S. Wakefield

APPEARANCES: Mr. Brian A. Maxwell, on behalf of Arizona Public Service Company.

FINDINGS OF FACT

- 1

1 APS' counsel. Southwest was not present. The Presiding Officer ordered Southwest to file a written
2 request for continuance. APS requested that a deadline be set, after which time the case could be
3 dismissed if Southwest failed to request the continuance. The Presiding Officer set a deadline of
4 August 2, 1995 for Southwest to file a request for continuance.

5 6. The same day, the Commission issued a Procedural Order that Southwest file a written
6 request for continuance no later than August 2, 1995.

7 7. Southwest has not filed a written request for continuance.

8 **CONCLUSIONS OF LAW**

9 1. APS is a public service corporation within the meaning of Article XV of the Arizona
10 Constitution and A.R.S. § 40-246.

11 2. The Commission has jurisdiction over the parties hereto and of the subject matter of
12 the Complaint.

13 3. Southwest has failed to prosecute its claim and its Complaint should therefore be
14 dismissed.

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ORDER

IT IS THEREFORE ORDERED that the Complaint filed on May 17, 1995 by Southwest V-Dubs against Arizona Public Service Company be, and hereby is, dismissed.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, JAMES MATTHEWS, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 1995.

JAMES MATTHEWS
EXECUTIVE SECRETARY

DISSENT _____
SSW:dap

1 SERVICE LIST FOR:

SOUTHWEST V-DUBS V. ARIZONA PUBLIC
SERVICE COMPANY

2
3 DOCKET NO.:

U-1345-95-246

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